

D. G. SWEIGERT, C/O, MAILBOX, PMB 13339
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February 22, 2025

Sweigert v. Goodman, 23-cv-05875-JGK-VF

U.S. District Judge Honorable John G. Koeltl
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, N.Y. 10007
Via ECF filing

SUBJ: Pre-motion letter for FRCP Rule 56 Motion for Summary judgement

Dear Judge Koeltl,

1. Apparently to capitalize on the national hysteria concerning U.S. government fraud, waste and abuse, purportedly discovered by Elon Musk (@elonmusk) and the U.S. Department of Government Efficiency¹ (@DoGE), the Defendant has distributed on X.com a podcast with the supposed evidence-based claim that the *pro se* Plaintiff is working for the U.S. National Institute of Health (N.I.H.) on a “Misinformation” contract grant for a \$500,000 payment.
2. Said X.com podcast was apparently calculated to have the *pro se* Plaintiff suffer the ire of outraged citizens disgusted with U.S. government fraud, waste and abuse as uncovered by the DoGE and Mr. Musk (podcast has been viewed by more than 5,300 individuals on X.com as of this writing which has caused great emotional angst for the *pro se* Plaintiff).
3. The said 2/20/2025 podcast (https://x.com/JG_CSTT/status/1892590297298649090²), for which no “newsworthy privilege” immunity is afforded, represents the latest example of an invasion of privacy of the *pro se* Plaintiff which constitutes a gross violation of New York Civil Rights Law (NYCRL) §§ 50 – 51 by the Defendant.
4. For the purposes of profit, the so-called fact statement of the 2/20/2025 X.com podcast unequivocally claimed that the *pro se* Plaintiff was paid \$500,000 dollars by the N.I.H. to harass the Defendant, **Exhibit One**. The *pro se* Plaintiff’s persona and image showcase the podcast, but have “no relationship” with the fictionalized story of an N.I.H. \$500,000 payment to Sweigert for services on a misinformation contract, etc. The fact statement:

“Do people remember the time I discovered evidence that @RealGeorgeWebb1's mentally ill, wife swapping, paperclip Nazi brother was paid over \$500,000 by @NIH to cyberstalk, harass and endlessly sue me? He should be investigated and prosecuted. @RobertKennedyJr. @DOGE @elonmusk” [emphasis added] (**Exhibit One**)

¹ <https://www.doge.gov/>

² Memorialized in the Plaintiff’s Declaration ECF doc. 241

5. Simply stated, fictionalized news accounts such as this, incur liability upon the publisher as an invasion of privacy as they do not qualify for the newsworthy exemption afforded by NYCL §§ 50 – 51, as clearly stated in an Opinion by Hon. Valerie E. Caproni (6/30/2021), which is herein cited³ and concurrently submitted as a Request for Judicial Notice (not directly attached as to avoid this letter becoming an unwieldy document).

6. Quoting Judge Caproni:

“Pursuant to New York law, false and damaging use of a plaintiff’s likeness (here, the wrappers) to illustrate newsworthy content (here, allegedly the video podcasts) does not fall under the newsworthy exception when there is no relationship between the likeness and the associated content. See *Messenger*, 94 N.Y.2d at 446 (citing *Finger v. Omni Publ’ns Int’l, Ltd.*, 77 N.Y.2d 138 (1990); *Arrington v. N.Y. Times Co.*, 55 N.Y.2d 433 (1982); *Murray v. N.Y. Mag. Co.*, 27 N.Y.2d 406 (1971)). Pursuant to a separate line of cases, “substantially fictional works” that are “nothing more than attempts to trade on the persona” and are “infected with fiction, dramatization or embellishment” also do not fall under the newsworthy privilege. See *Messenger*, 94 N.Y.2d at 446 (citing *Spahn v. Julian Messner, Inc.*, 18 N.Y.2d 324, vacated, 387 U.S. 239, adhered to on remand, 21 N.Y.2d 124 (1967); *Binns v. Vitagraph Co. of Am.*, 210 N.Y. 51, 53 (1913)).” [emphases added]

Sweigert v. Goodman, 18-CV-8653 (VEC), 13 (S.D.N.Y. Jun. 30, 2021)

7. To illustrate the issue of “no relationship”, the Defendant’s latest podcast contains two main fictionalized claims relevant to this discussion: (1) that the *pro se* Plaintiff David Sweigert works for the N.I.H. (Defendant at podcast time mark 8:53) and (2) that Sweigert is executing a contract associated with Misinformation for N.I.H. (podcast time mark 9:07).

N.I.H. employment of the pro se Plaintiff is a Fiction

8. The Defendant’s X.com podcast displays a N.I.H. phone directory at time mark 8:56 with the organizational listing “Director of Planning, Analysis, and Information Management DPAIM”, and displays “Dave Sweigert”, apparently an individual who works in the Center for Scientific Review (C.S.R.), which the *pro se* Plaintiff has nothing to do with (“no relationship”) and knows nothing about. **Exhibit Two.** The N.I.H. “Dave Sweigert” apparently works with the CSR DPAIM Team, something the *pro se* Plaintiff knows nothing about and has no association with, **Exhibit Three.**

A \$500,000 payment to the pro se Plaintiff by N.I.H. is a Fiction

9. At time mark 9:07, of said podcast, the Defendant displays an N.I.H. web page depicting a grant contract, **Exhibit Four.** This contract is known as grant RFA-MD-22-008⁴, entitled *Understanding and Addressing Misinformation among Populations that Experience Health*

³ *Sweigert v. Goodman*, 18-CV-8653 (VEC) (S.D.N.Y. Jun. 30, 2021)

⁴ See https://www.nimhd.nih.gov/docs/taw_misinfo_RFA-MD-22-008_220506.pdf

Disparities, issued by the National Institute on Minority Health and Health Disparities (NIMHD), National Cancer Institute (NCI), **Exhibit Five**. This grant contract has nothing to do with the *pro se* Plaintiff (“no relationship”). The execution of this contract is under the authority of the University of California at San Francisco (UCSF), as shown in **Exhibit Six**. The *pro se* Plaintiff has nothing to do with UCSF in any way, shape or form.

Tip of the Ice Berg

10. These are representative “tip of the ice berg” undisputed facts which the Defendant cannot overcome. When these facts are coupled with the issue of no newsworthy exception immunity this legal action appears ripe of a motion pursuant to F.R.C.P. Rule 56, Summary Judgment.

11. In light of the Defendant’s troublesome non-compliance with the F.R.C.P. Rules governing discovery (see ECF doc 238, Plaintiff’s Motion to Compel), and his attempt to leverage the national hysteria associated with fraud, waste and abuse against Sweigert, the *pro se* Plaintiff requests to dispense with the discovery stage and to fully brief the Court pursuant to F.R.C.P. Rule 56 on a schedule to be determined. The *pro se* Plaintiff requests 60 (sixty) days to prepare such a Motion for Summary Judgment.

12. In accordance with III. B of your Individual Rules of Practice, dated Feb. 14, 2025, the *pro se* Plaintiff looks forward in anticipation to an appropriate conference and/or briefing schedule in the interest of judicial economy and public policy.

Respectfully, Signed 02/22/2025



D. G. SWEIGERT PRO SE PLAINTIFF

CERTIFICATE OF SERVICE

Hereby certified under penalties of perjury that a true copy of this pleading has been e-mailed to Defendant Jason Goodman at jason@21stcentury3d.com and <truth@crowdsourcethetruth.org>

Respectfully, Signed this 02/22/2025



EXHIBIT ONE

 **Crowdsource The Truth** 
@JG_CSTT

X ...

Do people remember the time I discovered evidence that @RealGeorgeWebb1's mentally ill, wife swapping, paperclip Nazi brother was paid over \$500,000 by @NIH to cyberstalk, harass and endlessly sue me? He should be investigated and prosecuted. @RobertKennedyJr @DOGE @elonmusk



7:01 AM · Feb 20, 2025 · 5,322 Views

https://x.com/JG_CSTT/status/1892590297298649090

EXHIBIT TWO

U.S. Department of Health & Human Services

 Center for
Scientific Review



Strengthening Peer Review through Training

March 27, 2023

Miriam Mintzer, Ph.D.
Director, CSR Office of Training and Development

https://public.csr.nih.gov/sites/default/files/2023-03/Miriam_Mintzer_Training_Mar_2023_CSRAC.pdf

Who makes the training possible?

Office of Training and Development <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;">  <p>Christina Johnson Program Analyst</p> </div> <div style="text-align: center;">  <p>Vanessa Boyce, Ph.D. New SRO Education and Development Coordinator</p> </div> <div style="text-align: center;">  <p>Natalia Komissarova, Ph.D. SRO Continuing Education and Development Coordinator</p> </div> <div style="text-align: center;">  <p>Tatiana Cohen, Ph.D. SRO Systems Training Coordinator</p> </div> <div style="text-align: center;">  <p>Benjamin Shapero, Ph.D. SRO Handbook and Policy Coordinator</p> </div> </div>	Training development groups (Chiefs/SROs) <p>New SRO Training: Dolores Arjona Mayor, Laura Asnaghi, Sulagna Banerjee, Adem Can, David Chang, Tami Kingsbury, Jordan Moore, Angela Thrasher, Carmen Ufret-Vincenty, Wenjuan Wang</p> <p>Continuing Education: Aruna Behera, Jessica Bellinger, Rebecca Burgess, Margaret Chandler, Martha Faraday, Heidi Friedman, Will Greenberg, Linda MacArthur, Pat Manos, Bidyottam Mittra, Kristen Prentice, Ken Ryan, Suzanne Ryan, Brian Scott, Denise Wiesch</p> <p>Reviewer Training: Abu Abdullah, Aruna Behera, Pablo Blazquez Gamez, Gene Carstea, Thomas Cho, Emily Foley, Lauren Fordyce, Heidi Friedman, Pam Jeter, Sharon Low, Karobi Moitra, Kristen Prentice, Joonil Seog, Lisa Steele, Afia Sultana, Sarah Vidal</p> <p>Policy & Practice Resources: Cristina Backman, Aurea de Sousa, Kate Fothergill, Steven Frenk, Pam Jeter, John Laity, Srikanth Ranganathan, Joonil Seog, Ian Thorpe, Guoqin Yu</p>
Division of Planning, Analysis and Information Management <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>Shawn Cook, Rich Hibner, Rashid Shah, Dave Swiebert, Khalid Ullah, Leo Wu, Li Yang, Chen Zhang</p>  <p>Maya Jones Training Team Lead</p> </div> <div style="text-align: center;"> <p>Hope Cummings, Ph.D. Senior Social Science Analyst</p>  </div> </div>	
Survey development/analysis <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>Jennifer Peddicord, Lori Stoller-Cruz, Ishrat Uddin</p>  <p>Verzhiniya Tancheva Training Manager</p> </div> </div>	
Just joined Office! Admin staff training <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;">  <p>Jenny</p> </div> </div>	
100+ CSR staff for training implementation!	



(25)



EXHIBIT THREE

U.S. Department of Health & Human Services
NIH Center for Scientific Review



Review Integrity Training for Reviewers: Preliminary Results from CSR

Miriam Mintzer, Director, CSR Office of Training and Development
Review Policy Committee
January 18, 2023

https://public.csr.nih.gov/sites/default/files/2023-02/Review%20Integrity%20Training_RPC_1_18_23.pdf

Thanks to...

Reviewer Training Coordinator Tanya Cohen	CSR DPAIM Development Team Maya Jones John Brougher Shawn Cook Michael Burke Rebecca Dow Dave Sweigert	Actors  Mollie Manier John Brougher Zarana Patel Brittany Mason-Mah Sharon Isern Lola Arjona Pablo Blazquez Gamez Tallman Boyd Thomas Cho Hope Cummings Kevin Czaplinski Blair Gosnell Jennifer Greenhill Steve Johnson John Laity Eleni Liapi Nicholas Moore Joonil Seog Ali Sharma Joanna Szczepanik Sudha Veeraraghavan Victoriya Volkova
Reviewer Training Committee Abu Abdullah Aruna Behera Pablo Blazquez Gamez Thomas Cho Lauren Fordyce Pamela Jeter Sharon Low Karobi Moitra Kristen Prentice Joonil Seog Afia Sultana Sarah Vidal	Data Analysis Hope Cummings Christina Johnson	
	CSRAC Working Group Scott Miller Tonya Palermo	

NIH Center for Scientific Review

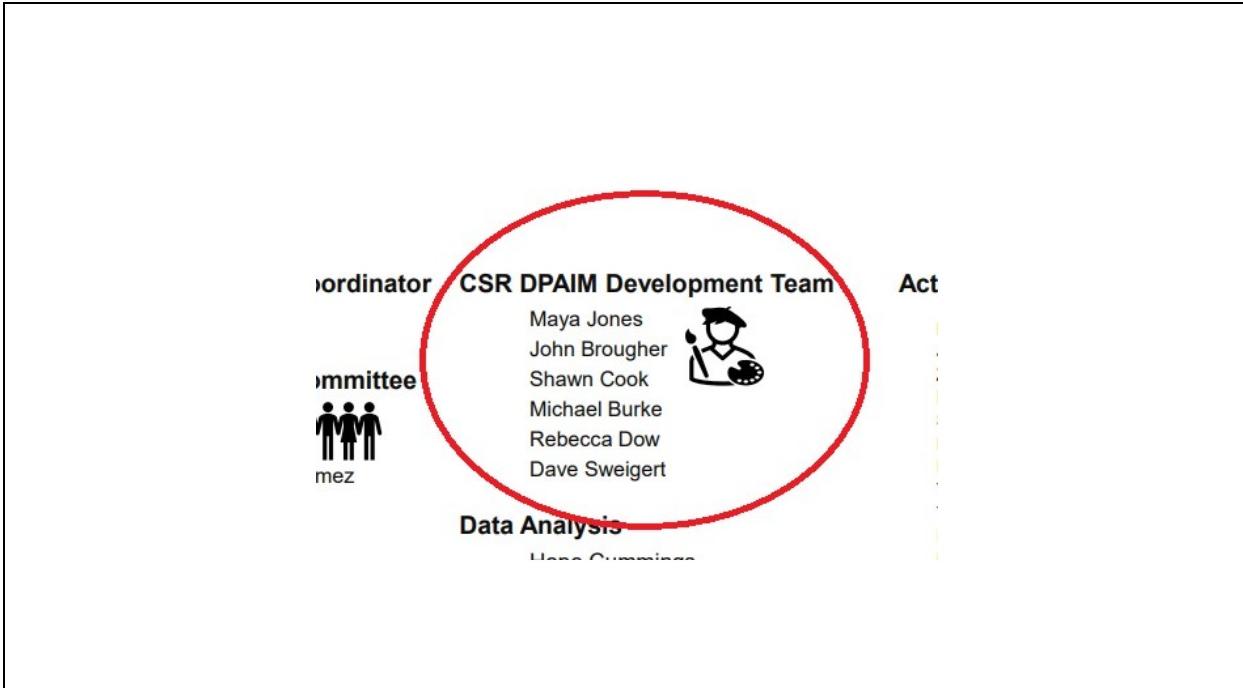


EXHIBIT FOUR

National Institute on Minority Health and Health Disparities (NIMHD)
National Cancer Institute (NCI)

Understanding and Addressing Misinformation among Populations
that Experience Health Disparities (R01 - Clinical Trials Optional)

R01 Research Project Grant

New

- NOT-OD-22-190 - Adjustments to NIH and AHRQ Grant Application Due Dates Between September 22 and September 30, 2022
- NOT-MD-22-016 - Notice of Pre-Application Technical Assistance Webinar for RFA-MD-22-008, Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)
- NOT-CA-22-066- Notice of NCI Participation in RFA-MD-22-008

Request (FOA) Number RFA-MD-22-008

None

See Section III. 3. Additional Information on Eligibility.

CROWD SOURCE THE TRUTH

https://x.com/JG_CSTT/status/1892590297298649090

EXHIBIT FIVE

This notice has expired. Check the NIH Guide for active opportunities and notices.	
Department of Health and Human Services	
Part 1. Overview Information	
Participating Organization(s)	National Institutes of Health (NIH)
Components of Participating Organizations	National Institute on Minority Health and Health Disparities (NIMHD) National Cancer Institute (NCI)
Funding Opportunity Title	Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)
Activity Code	R01 Research Project Grant
Announcement Type	New
Related Notices	<ul style="list-style-type: none">• NOT-OD-22-190 - Adjustments to NIH and AHRQ Grant Application Due Dates Between September 22 and September 30, 2022• NOT-MD-22-016 - Notice of Pre-Application Technical Assistance Webinar for RFA-MD-22-008, Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)• NOT-CA-22-066 - Notice of NCI Participation in RFA-MD-22-008
https://grants.nih.gov/grants/guide/rfa-files/RFA-MD-22-008.html	

EXHIBIT SIX

The screenshot shows the "Office of Research COVID-Related Research" section of the UCSF website. The main title is "RFA-MD-22-008 Understanding and Addressing Misinformation among Populations that Experience Health Disparities (R01 - Clinical Trials Optional)". Below the title, it says "Application Due Dates: May 31, 2022 and November 13, 2022." and "Funder: NIH Multiple ICs – check FOA for full list". A text box states: "The purpose of this initiative is to support research that seeks to (1) understand the underlying mechanisms and (2) test interventions to address and mitigate the impact of health-related misinformation and disinformation on health disparities and the populations that experience health disparities". At the bottom, there are two buttons: "LEARN MORE" and "CONTACT OSR TO APPLY". To the right, there is a "Suggestion Box" with the text: "Do you have suggestions or feedback? Please [contact us](#) with your ideas." The URL <https://covidresearch.ucsf.edu/funding/rfa-md-22-008-understanding-and-addressing-misinformation-among-populations-experience> is displayed at the bottom of the page.